

Statement by Sweden on behalf of the Nordic countries
(Denmark, Finland, Iceland, Norway and Sweden)

at the

General Assembly,
Seventy-third Session

Sixth Committee

Agenda item 82:
Report of the International Law Commission on the work of its 70th session
ì Cluster III

United Nations, New York

30 October 2018

ì CHECK AGAINST GA/TET ~~6000~~ 10.2.18

Mr Chair,

I have the honour to speak on behalf of the five Nordic countries Denmark, Finland, Iceland, Norway and Sweden on the topics covered in Cluster III of the ILC report.

The Nordic States express their appreciation for the speed with which the Commission has advanced the work on the topic **Protection of the environment in relation to armed conflicts**. Last year, we commended the establishment of a Working Group chaired by Mr Marcelo Vazquez-Bermudez that enabled the transition of the topic from one Special Rapporteur to another. In particular, we welcomed the appointment of a new Special Rapporteur, Ambassador Marja Lehto. This year, the Commission has once again proved its commitment to the topic. The establishment of a Working Group, under the skilful chairmanship of Mr Marcelo Vazquez-Bermudez, to assist the new Special Rapporteur in preparing the draft commentaries on **draft principles 4, 6 to 8 and 14 to 18** was a fruitful decision since it led to the provisional adoption of these principles and commentaries thereto.

principles 19, 20 and 21 as provisionally adopted by the Drafting Committee, but we would nevertheless like to offer a few comments on these draft principles.

First, we welcome the use of the more generic term *occupying power* rather than *occupying State*. However, it is equally important not to exclude a future application of the draft principles in situations when an international organisation may be considered an *occupying power* in the sense that it administers a territory under a mandate from the UN Security Council. Admittedly, such administration is not *occupation* in the

officials. It is imperative to ensure the protection of all procedural safeguards under international law, in particular international human rights law. Only by robust mechanisms based on the rule of law, will foreign officials be protected against politically motivated or otherwise illegitimate proceedings. The Nordic countries appreciate the clear intention to address the particular issue of procedural safeguards as part of its overall consideration of the procedural aspects of immunity.

Third, the Nordic countries would like to express our support for the work plan suggested by the Special Rapporteur. We especially appreciate that she intends to present a complete set of draft articles pertaining to procedural aspects in her next report.

Mr Chair,

The Nordic countries look forward to the continued work of the ILC on this topic and the seventh report of the Special Rapporteur. We encourage the Commission to seek to reach consensus on the most difficult aspects of this important topic, thereby creating the best possible conditions for its work and for seeking guidance from Member States.

Thank you.